

The Builders' Lien Regulations

being

Chapter B-7.1 Reg 1 (effective January 1, 1986)
as amended by Saskatchewan Regulations 95/88, 8/90
and c.L-5.1 Reg 3.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER B-7.1 REG 1

The Builders' Lien Act

Title

1 These regulations may be cited as *The Builders' Lien Regulations*.

Interpretation

2 In these regulations, “**Act**” means *The Builders' Lien Act*.

3 Jan 86 cB-7.1 Reg 1 s2.

Authority to designate arbitrator

3 The person who has authority to designate an arbitrator pursuant to subsection 85(1.2) of the Act is the Minister of Justice.

3 Jan 86 cB-7.1 Reg 1 s3; 23 Feb 90 SR 8/90 s3.

Claim of lien to Crown

4 The place at which a claim of lien against the estate or interest of the Crown is to be given pursuant to subsection 52(1) of the Act is:

- (a) in the case of a department of the Government of Saskatchewan, the office of the Deputy Minister of the department;
- (b) in the case of Saskatchewan Housing Corporation, the office of the President of the corporation;
- (c) in the case of any other Crown Corporation, the office of the chief executive officer of the corporation.

3 Jan 86 cB-7.1 Reg 1 s4.

Notice of lien

5 A written notice of a lien pursuant to clause 2(1)(v) of the Act may be in Form A of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s5.

Notice to landlord

6 A notice to a landlord pursuant to clause 31(2)(b) of the Act may be in Form B of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s6.

Certificate of substantial performance

7(1) A certificate of substantial performance of a subcontract pursuant to subsection 41(1.1) of the Act shall be in Form C of the Appendix.

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(2) A certificate of substantial performance of a contract pursuant to subsection 41(1.3) of the Act shall be in Form C.1 of the Appendix.

23 Feb 90 SR 8/90 s4.

Notice to refer dispute

8 A written notice to refer a dispute to an arbitrator pursuant to subsection 85(1.1) of the Act shall be in Form D of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s8; 23 Feb 90 SR 8/90 s5.

Claim of lien

9 A claim of lien pursuant to subsection 50(3) of the Act shall be in Form E of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s9.

Notice of change of address for service

10 A notice of change of address for service pursuant to subsection 50(6) of the Act may be in Form F of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s10.

11 Repealed. 6 Jly 2001 cL-5.1 Reg 3 s4.

Certificate of Crown

12 A Certificate of the Crown pursuant to section 59 of the Act, stating that the person against whose estate or interest a claim of lien is registered has no interest in the land, shall be in Form I of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s12.

Certificate of local registrar

13 A certificate of the local registrar pursuant to subsection 61(2) of the Act shall be in Form J of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s13.

Withdrawal of certificate of action

14 A withdrawal of a certificate of action pursuant to subsection 61(3) of the Act shall be in Form K of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s14.

Partial discharge of lien

15(1) A partial discharge of lien as it relates to amount pursuant to section 63 of the Act shall be in Form L of the Appendix.

(2) A partial discharge of lien as it relates to land pursuant to section 63 of the Act shall be in Form M of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s15.

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Discharge of lien

16 A discharge of lien pursuant to section 63 of the Act shall be in Form N of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s16.

Certificate of action

17 A certificate of action pursuant to subsection 86(5) of the Act shall be in Form O of the Appendix.

3 Jan 86 cB-7.1 Reg 1 s17.

Appendix

Form A
WRITTEN NOTICE OF A LIEN
(Clause 2(1)(v) of The Builders' Lien Act)

Name of lien claimant: _____

Address of lien claimant: _____

Address for service *(leave blank unless different from above)*: _____

Name of owner or person believed to be owner: _____

Address of owner or person believed to be owner: _____

Name of person for whom the services or materials have been provided: _____

Address of person for whom the services or materials have been provided: _____

Short description of the services or materials that have been provided: _____

The amount claimed in respect of services or materials that have been provided: \$ _____

A description of the land *(sufficient for identification purposes)*: _____

Day/Month/Year

Signature

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Form B
NOTICE TO LANDLORD
(Clause 31(2)(b) of The Builders' Lien Act)

Part A
(to be completed by contractor)

TO: _____
(Name of Landlord)

FROM: _____
(Name of Contractor)

Address for service: _____

TAKE NOTICE that the above-mentioned contractor has entered into a contract with _____
(Name of tenant)

to provide services or materials to an improvement to the following land: _____
(Legal description or civic address)

AND FURTHER TAKE NOTICE that the following is a description of the general nature of the contract: _____

AND FURTHER TAKE NOTICE that the following are particulars of the improvement to be made: _____

Day/Month/Year

Signature of Contractor / Agent

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Part B

(to be completed by landlord)

ENDORSEMENT BY LANDLORD

I, _____, landlord of the above mentioned land
DO HEREBY DECLARE that I do not assume any responsibility whatsoever for any of the improvement described in Part A.

Day/Month/Year

Landlord

(WARNING: This notice, or a copy of the notice, along with this endorsement must be returned to the contractor within 10 days of service on you at the address for service set out in Part A.)

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Form C
CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF SUBCONTRACT
(Subsection 41(1.1) of The Builders' Lien Act)

This is to certify that the subcontract in the amount of \$ _____ in relation to the following services or
(state amount of subcontract)

materials: _____
(short description of services or materials)

to the following improvement: _____
(short description of improvement)

to the following land: _____
(civic address of land or legal description)

is substantially performed.

SUBCONTRACTOR: We certify that the subcontract described above has been substantially performed.

Name of Subcontractor Authorized Signature

Address Day/Month/Year

PAYER ON THE SUBCONTRACT: We certify that we have examined and verified that the subcontract described above is substantially performed.

Name of Payer Authorized Signature

Address Day/Month/Year

PAYMENT CERTIFIER: We certify that we have examined and verified that the subcontract described above is substantially performed.

Day/Month/Year (Payment certifier, if any)

(If no payment certifier, certificate must be signed by owner and contractor jointly) _____
Contractor

Owner

Name of Owner: _____

Address for Service: _____

Name of Payment Certifier: _____
(Where there is a payment certifier)

Address of Payment Certifier: _____
(Where there is a payment certifier)

Name of Contractor: _____
(Where there is no payment certifier)

Address of Contractor: _____
(Where there is no payment certifier)

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Form C.1

CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF CONTRACT

(Subsection 41(1.3) of The Builders' Lien Act)

This is to certify that the subcontract in the amount of \$ _____ in relation to the following services or
(State amount of contract)

materials: _____
(Short description of services or materials)

to the following improvement: _____

(Short description of improvement)

to the following land: _____

(Civic address of land or legal description)

is substantially performed.

CONTRACTOR: We certify that the contract described above has been substantially performed.

Name of Contractor

Authorized Signature

Address

Day/Month/Year

PAYMENT CERTIFIER: We certify that we have examined and verified that the contract described above is substantially performed.

Day/Month/Year

(Payment certifier, if any)

(If no payment certifier, certificate must be signed by owner)

Owner

Name of Owner: _____

Address for Service: _____

Name of Payment Certifier: _____
(Where there is a payment certifier)

Address of Payment Certifier: _____
(Where there is a payment certifier)

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Form D
NOTICE TO REFER DISPUTE TO ARBITRATOR
(Subsection 85(1.1) of The Builders' Lien Act)

TO: _____

FROM: _____

TAKE NOTICE that pursuant to *The Builders' Lien Act* I hereby require that the question of:

(Strike out inapplicable paragraph)

(a) substantial performance of the _____
(State whether contract or subcontract)

described below; or

(b) payment of money to _____
(Name of contractor or subcontract)

who has obtained a certificate of substantial performance of their _____
(State whether contract or subcontract)

described below;

be referred to an arbitrator.

(Description of the contract or subcontract and details of services or materials provided)

(State here particulars of the dispute to be referred, whether:

- (a) failure to grant a certificate of substantial performance including the date of the written request therefor; or
- (b) if failure to pay money, the amount claimed due and owing and the date payable)

Owner's Name: *(if known)* _____

Contractor's Name: *(if known)* _____

Subcontractor's Name: *(if known)* _____

Day/Month/Year

Signature of person making request

Address for service of person making request

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FORM E
(Subsection 50(3) of The Builders' Lien Act)

Claim of Lien

PART A

Name of lien claimant: _____

Address of lien claimant: _____

Address for Service of lien claimant (leave blank unless different from above): _____

Name of Owner: _____

Claim of lien is made against the estate or interest of: _____

Address of Owner: _____

Name of person for whom services or materials were provided: _____

Address of person for whom services or materials were provided: _____

Name of Assignor (leave blank if claim of lien has not been assigned): _____

Short description of services or materials that have been provided: _____

Amount claimed as owing in respect of services or materials that have been provided: \$ _____

Description of the land (sufficient for purposes of registration or, where this claim of lien is to be given to the Crown, for purposes of identification):

Day/Month/Year

Signature of Lien Claimant/Assignee/Agent

(WARNING:

1. Your claim of lien cannot include a claim for interest.
2. The Builders' Lien Act prohibits the filing of claims which are exaggerated or non-existent and a person making such a claim is liable to any person who suffers loss or damage as a result.
3. A claim of lien against the estate or interest of the Crown should be given to the appropriate Crown agency in accordance with section 52 of The Builders' Lien Act and not registered in a Land Titles Office.)

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FORM E

Part B

Affidavit of Verification

I, _____, hereby make oath and say that the facts set out in the claim of lien in Part A are true.

SWORN (or affirmed) before me at the

_____ of _____

in the Province of _____

this _____ day of _____,

20 _____

} _____

A Commissioner for Oaths

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Form F
NOTICE OF CHANGE OF ADDRESS FOR SERVICE
(Subsection 50(6) of The Builders' Lien Act)

To the Registrar of Titles

Take notice that I, _____,
hereby change my address for service as set forth in my Claim of Lien registered in the Land Titles Registry as interest
number or interest register number _____, affecting the following land *(here set out legal description)*:

to *(State new address for service)*: _____

Day/Month/Year

Signature

Witness

3 Jan 86 cB-7.1 Reg 1; 6 Jly 2001 cL-5.1
Reg 3 s5.

Form G

Request to Registrar

Repealed. 6 Jly 2001 cL-5.1 Reg 3 s5.

Form H

Registrar's Notice to Lien Claimant

Repealed. 6 Jly 2001 cL-5.1 Reg 3 s5.

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Form I
CERTIFICATE OF THE CROWN
(Section 59 of The Builders' Lien Act)

_____, on behalf of the Crown as
defined in *The Builders' Lien Act*, being the registered owner of the following lands: _____

DOES hereby certify that _____, a person against
whose alleged estate or interest in the above mentioned land a claim of lien has been registered, has no estate or interest
in the said land.

Day/Month/Year

Signature

Witness

3 Jan 86 cB-7.1 Reg 1.

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Form J
(Subsection 61(2) of The Builders' Lien Act)

(Court file number and year)

In the Queen's Bench for Saskatchewan
Judicial Centre of _____
or
The Court of Appeal for Saskatchewan

BETWEEN:

(Plaintiff, etc.)

- and -

(Defendant, etc.)

CERTIFICATE OF REGISTRAR/LOCAL REGISTRAR

I certify that a Certificate of Action was registered as instrument number _____ to enforce a claim of lien against the following land:

and that: (choose one)

- _____ (a) the plaintiff has filed a notice of discontinuance and all other lien claimants who are parties to the action have consented to discontinuance of the action;
- _____ (b) the action has been finally determined at trial, no appeal has been launched and the time for appeal has expired; or
- _____ (c) the action has been finally determined on appeal and the time for any further appeal has expired.

Day/Month/Year

(Deputy) Registrar/Local Registrar

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Form K
WITHDRAWAL OF CERTIFICATE OF ACTION
(Subsection 61(3) of The Builders' Lien Act)

In the Queen's Bench for Saskatchewan
Judicial Centre of _____

BETWEEN:

(Plaintiff)

- and -

(Defendant)

I _____ hereby withdraw Certificate of Action registered as
instrument number _____ respecting the above-noted action.

Day/Month/Year

Signature

Witness

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Form L
PARTIAL DISCHARGE OF LIEN AS IT RELATES TO AMOUNT
(Section 63 of The Builders' Lien Act)

To: The Registrar of Titles

TAKE NOTICE that _____, a lien claimant whose claim of lien was registered on the _____ day of _____, 19 _____ in the Land Titles Registry as interest register number _____ hereby reduces the amount of his claim of lien by \$ _____ and releases and discharges his claim of lien to that extent only.

Day / Month / Year

Signature

Witness

3 Jan 86 cB-7.1 Reg 1; 6 Jly 2001 cL-5.1
Reg 3 s5.

Form M
PARTIAL DISCHARGE OF LIEN AS IT RELATES TO LAND
(Section 63 of The Builders' Lien Act)

TO: The Registrar of Titles

TAKE NOTICE that _____, a lien claimant whose claim of lien was registered on the _____ day of _____, 19 _____ in the Land Titles Registry as interest register number _____, hereby wholly releases and discharges his claim of lien as it relates to the following land only:

Day / Month / Year

Signature

Witness

3 Jan 86 cB-7.1 Reg 1; 6 Jly 2001 cL-5.1
Reg 3 s5.

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Form N
DISCHARGE OF LIEN
(Section 63 of The Builders' Lien Act)

To: The Registrar of Titles

TAKE NOTICE that _____, a lien claimant whose claim of lien was registered on the _____ day of _____, 19 _____ in the Land Titles Registry as interest number _____, hereby wholly releases and discharges his claim of lien.

Day/Month/Year

Signature

Witness

3 Jan 86 cB-7.1 Reg 1; 6 Jly 2001 cL-5.1
Reg 3 s5.

Form O
CERTIFICATE OF ACTION
(Subsection 86(5) of The Builders' Lien Act)

In the Queen's Bench for Saskatchewan
Judicial Centre of _____

BETWEEN:

(Plaintiff)

- and -

(Defendant)

I certify that the above named plaintiff has commenced an action in the above named Court to enforce against the following land: (here set out legal description of land):

a claim of lien, pursuant to *The Builders' Lien Act*, for \$ _____.

Day/Month/Year

Local Registrar

3 Jan 86 cB-7.1 Reg 1.

